

USDC SDNY

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DATE FILED: 12/04/2023**MEMORANDUM ENDORSEMENT***Illescas v. Annucci et al.*, 21-cv-08473 (NSR)

The Court is in receipt of the attached letter from the Government, dated October 14, 2022 (ECF No. 153), requesting an extension of time to respond to the Court's November 7, 2023 Second Supplemental Order of Service (ECF No. 146) directing the Government to provide the address for "Defendant Mohammed." The Court is also in receipt of a motion for extension of time to file a notice of appeal for the Court's November 7, 2023 Order of Partial Dismissal from *pro se* Plaintiff Silvo R. Illescas, dated November 14, 2023 (ECF No. 152).

First, the Government's request for extension of time to respond to the Court's November 7, 2023 Second Supplemental Order of Service is GRANTED. The Government is directed to respond to the Court by December 19, 2023.

Second, the Government's attached letter indicates that Plaintiff was housed in the Residential Rehabilitation Unit at Cossack Correctional Facility starting October 20, 2023 – a week before his Second Amended Complaint was due – to November 20, 2023. In light of this, the Court VACATES the Court's November 7, 2023 Order of Partial Dismissal and deems the Second Amended Complaint (ECF No. 149) timely filed nunc pro tunc to October 27, 2023.

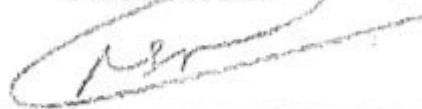
Third, in light of the Court vacating the November 7, 2023 Order of Partial Dismissal, the Court DENIES Plaintiff's motion for extension of time to file a notice of appeal as moot.

The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 152 and 153. The Clerk of Court is also directed to mail a copy of this Memorandum Endorsement to Plaintiff at his address listed on ECF and show service on the docket.

DATED: December 4, 2023

White Plains, NY

SO ORDERED:



NELSON S. ROMÁN  
United States District Judge



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8373

November 28, 2023

**VIA ECF**

Honorable Nelson S. Román  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: Illescas v. Annucci, et al., 21 CV 8473 (NSR)

Dear Judge Román:

This Office represents Defendants Acrish, Morley, Bentivegna, Kim, Odeniyi, Thompson and Nayshuler ("Defendants") and write in response to Your Honor's November 7, 2023 Order directing this Office to provide the address for "Defendant Mohammed" (See Docket No. 146), a physician that Plaintiff alleges treated Plaintiff while at Green Haven Correctional Facility ("Green Haven"). Green Haven has informed this Office that there is no individual by the name of "Dr. Mohammed" at Green Haven. However, the Department of Corrections and Community Supervision ("DOCCS") is continuing to search whether there is an individual with a similar name or spelling to "Mohamme," and we respectfully request until December 19, 2023 to respond to the Court's Order so DOCCS can continue their efforts in ascertaining the individual's identity.

We also write in response to Your Honor's November 21, 2023 Order directing this Office to confirm whether Plaintiff was in the "UR Box" at Cossackie Correctional Facility ("Cossackie") starting on October 20, 2023 (See Docket No. 151). This Office has confirmed with Cossackie that while there is no housing area characterized as a "UR Box" at Cossackie, Plaintiff was housed in the Residential Rehabilitation Unit ("RRU") from October 20, 2023 to November 20, 2023.

This is Defendants' first request for an extension of the deadline to respond to Your Honor's Valentin Order.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Gee Won Cha  
Gee Won Cha  
Assistant Attorney General  
(212) 416-8373  
Geewon.Cha@ag.ny.gov

cc: Silvio Illescas, DIN 14-A-0948 (via mail)

## **CERTIFICATE OF SERVICE**

Illescas v. Acrish, et al., 21 Cv. 8473 (NSR)

Gee Won Cha declares the following under penalty of perjury under 28 U.S.C. § 1746:

I am an Assistant Attorney General in the office of Letitia James, the Attorney General of the State of New York, attorney for the State defendants in this action. On November 28, 2023, I served a copy of:

--Letter to Court dated November 28, 2023

by placing it in a sealed envelope and depositing the same with the U.S. Postal Service with sufficient postage for first class mail addressed to the plaintiff pro se:

Silvio R. Illescas  
14-A-0948  
Coxsackie Correctional Facility  
P.O. Box 999  
Coxsackie, NY 12051-0999

Dated: New York, New York  
November 28, 2023

/s/ Gee Won Cha  
GEE WON CHA  
Assistant Attorney General  
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